

Maintaining Habitability

Workshop | April 18, 2019
(Tenant Focused)



Reminder...

City Staff is not able to offer legal advice.

But...

We can offer tips, best practices,
and an overview of
City actions regarding the
CSFRA and
Multi-Family Housing Inspection Programs.

Introductions

City of Mountain View CSFRA Staff



Anky
van Deursen



Andrea
Kennedy



Patricia
Black

City of Mountain View Building Inspector



Jim Olson



Habitability:

What is it?



Look



Feel

Home

Habitability:

What is it?

Technically...

In California, state law provides the in-depth definitions of what it means for a housing provider to maintain habitability...and in Mountain View, the CSFRA adds an additional layer to state law.

The Law...

State Law

“Implied Warranty of
Habitability”
Defines certain standards of
habitability landlords must
meet
(Civil Code 1941.1)

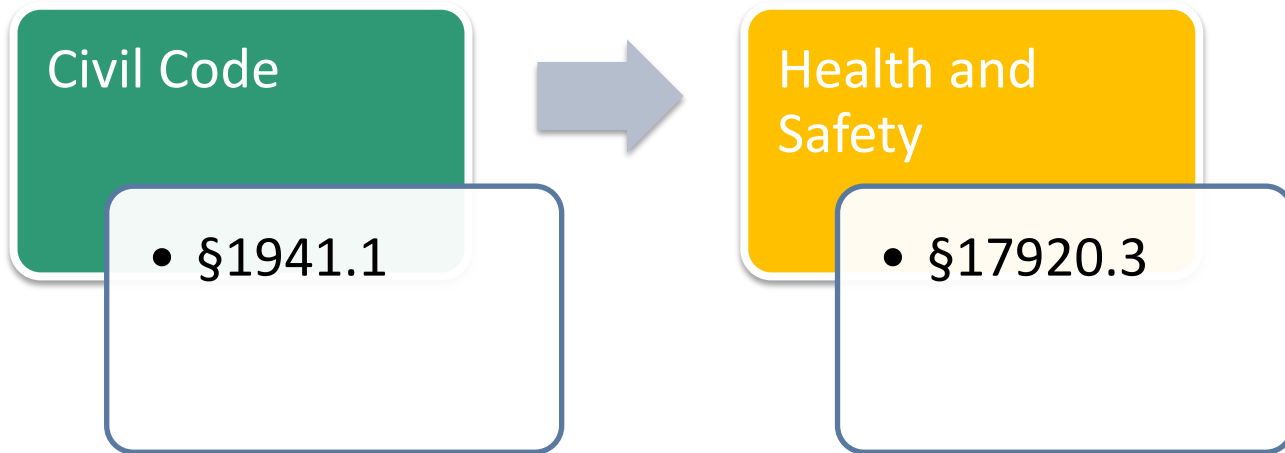
Local Code

Provides clarity
and
detail about
habitability standards
(MV City Code)

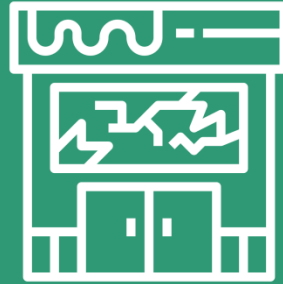


State Law: CA Civil Code

CA State Laws



CA State Law: Landlord Responsibilities



Landlords
must:

Provide rental
units in

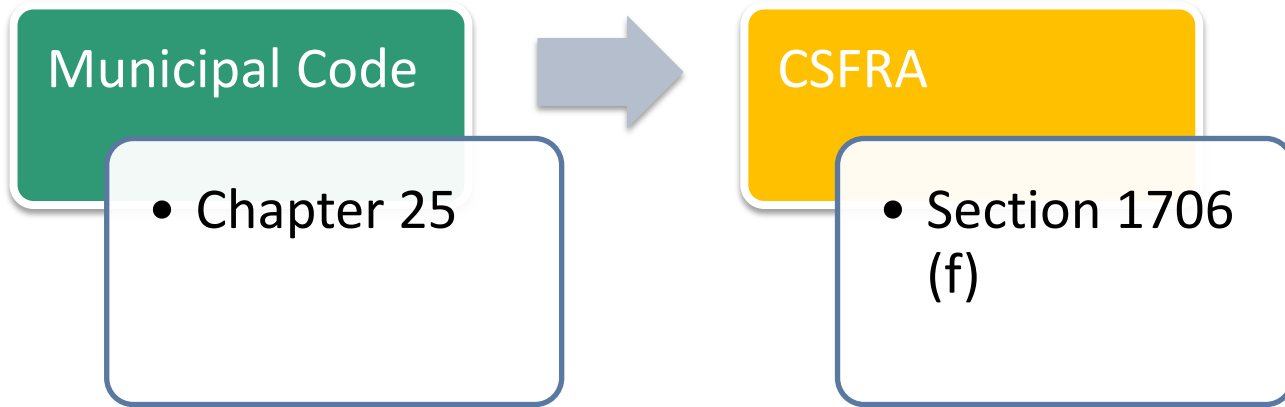
“habitable”
condition (CC
1941.1)





Mountain View

Mountain View





MV Municipal Code Chapter 25

MV Municipal Code: Multi-Family Housing Inspection Program

Chapter 25 of the Municipal Code...



1.

Ensure proper maintenance



2.

Implement the City's housing goals



3.

Preserve and protect multi-family housing



4.

Promote health, safety and welfare



5.

Avoid deterioration and blight

Multi-Family Housing Inspection Program



Multi-Family Rental Units

- Inspection every 4 years
- Complaint based or change in ownership
- Yearly Fee



Violations

- Notice issued with time period to correct



Re-inspection Fee

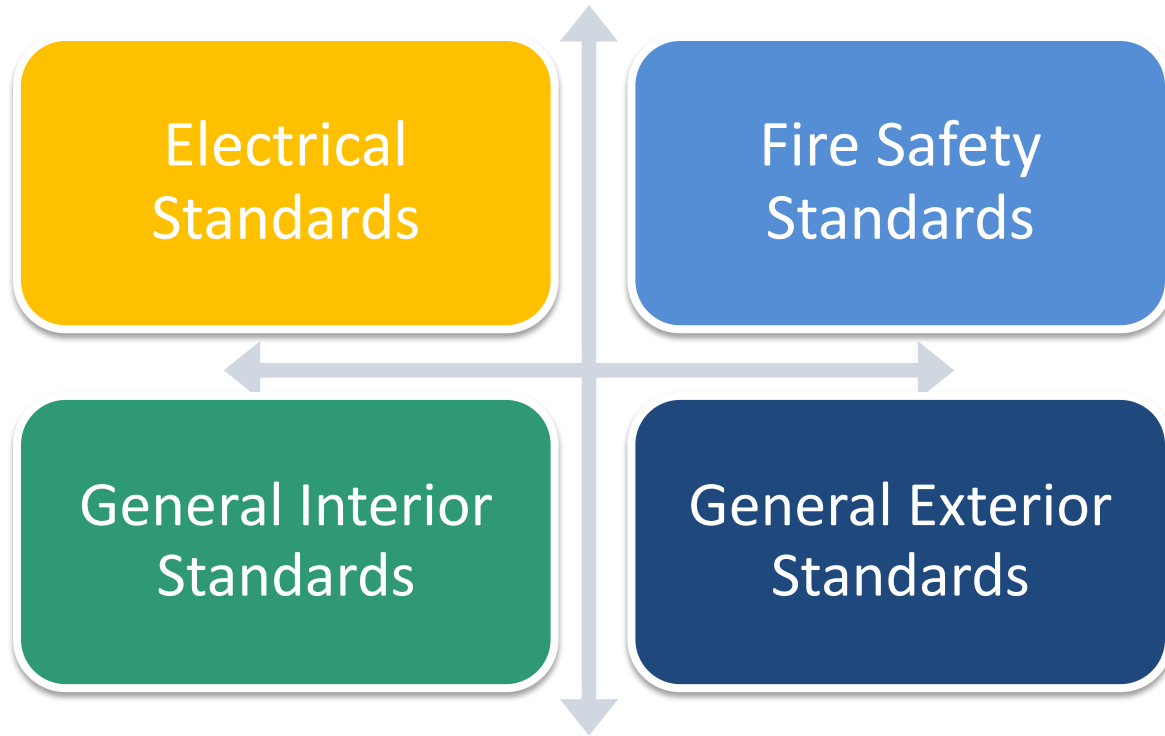
- \$108 per hour
- 2 hr minimum after 2nd housing re-inspection



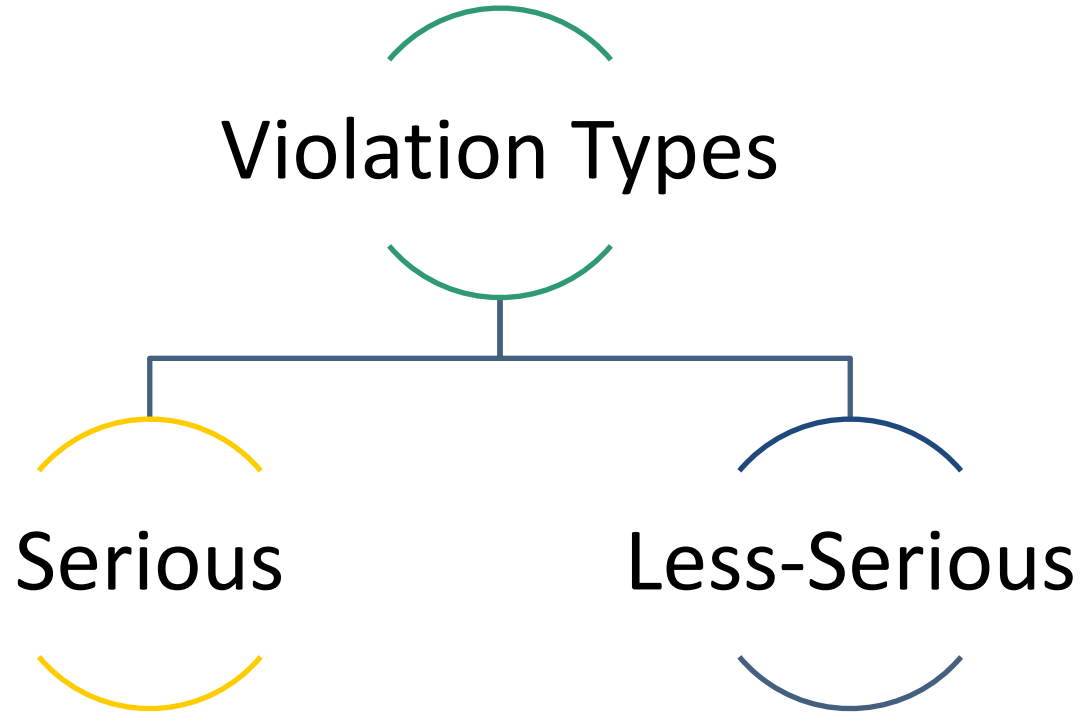
Multi-Family Housing Inspection



Violations: What is Inspected?



Types of Violations



Most Common Violations: **Serious**

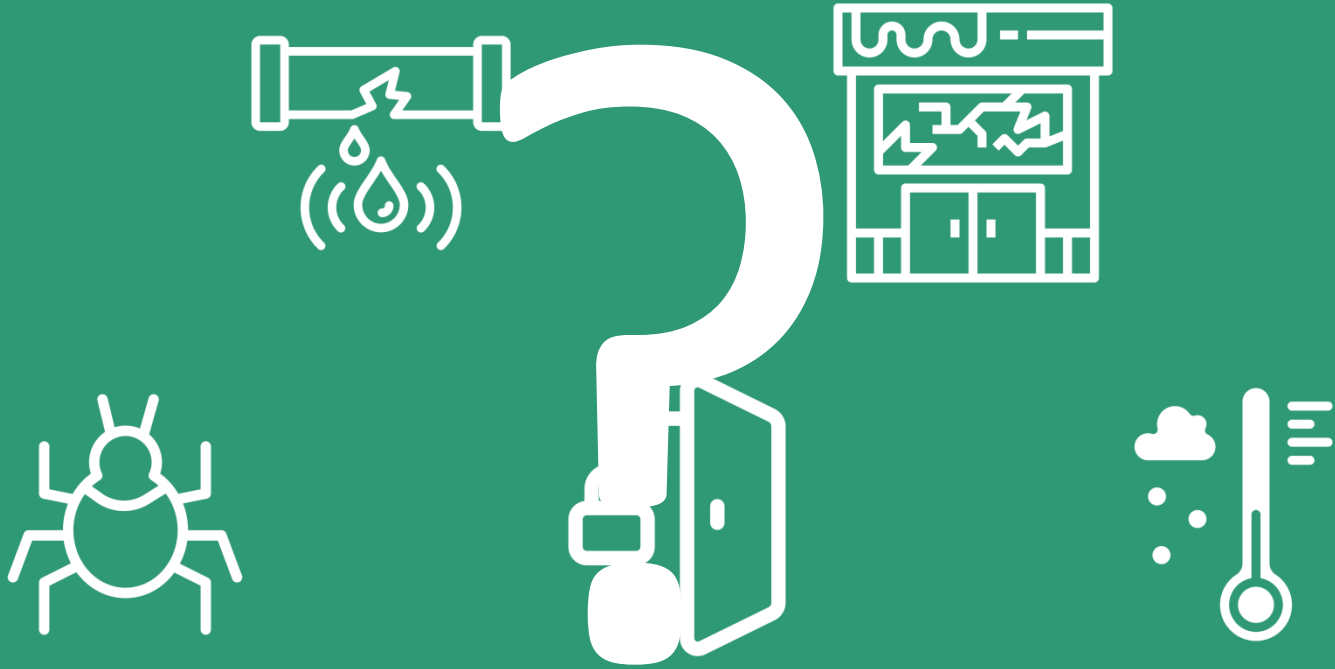
Serious

- Smoke and Carbon monoxide detectors missing or failed
- Fire extinguishers outdated/not serviced
- Combustibles stored too close to wall mounted heater
- Exposed electrical wiring
- Holes in specific areas of walls and building systems
- Work done without required building permit(s)
- Water heater missing required seismic straps

Most Common Violations: **Less Serious**

Less Serious

- Outlets, surge protectors, extension cords used incorrectly
- Toilets not securely mounted
- Damaged exterior trim
- Damaged, missing or non-maintained faucets, sinks, pipes and drains
- Missing window screens
- Circuit breakers not marked
- Exterior lights not working as designed





CSFRA Program

What is the CSFRA?

A voter approved measure to stabilize the community by reducing housing turnover in certain rental units by...



1.
Stabilizing Rents



2.
Providing Eviction
Protections



3.
Ensuring a Fair
Rate of Return

What Rental Units are Covered?

Multi-Family Units

First Certificate of Occupancy	Rent Increases	Just Cause	Rent Roll Back
Before February 1, 1995	✓	✓	✓
Between February 1, 1995 and December 23, 2016	X	✓	X
After December 23, 2016	X	X	X

Fully Exempt Units

- X Single Family Homes
- X Condominiums
- X Companion Units
- X Duplexes
- X Units in hotels, motels, etc. rented for less than 30 days
- X Units in hospitals, medical care facilities, dormitories,
- X Government or subsidized rental units

CSFRA Compliance

In order to be able to raise rents in fully covered units, housing providers must be in compliance with the law.

1. Rolled back rent to either Oct. 19, 2015 or move-in date
2. Only increased rent by the AGA from Dec. 23, 2016 onward
3. Only increased rent once per 12 months
4. Paid all rental housing fees
5. Have NO CODE VIOLATIONS and maintain the property to code

So...

Why is maintaining
habitability
important?

The Importance of Maintaining Habitability

1.

- Keeping your home as clean and safe as possible is important for the community



2.

- You may face eviction if you do not do your part to keep your home clean and safe

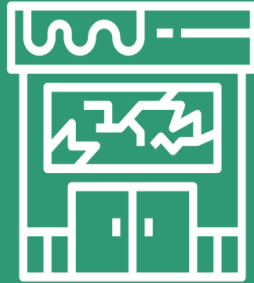


3.

- Property owners face financial and legal risks if their property is not maintained

Habitability for tenants...

CA State Law: Tenant **Responsibilities**



Tenants must:

Take reasonable care of rental unit and common areas. And keep in good condition. Tenant is responsible for damage caused by tenant or tenant's guests, children or pets (CC 1941.2)

Damage caused by Tenants



Further Repercussions

Your property owner may be able to evict you if you cause a nuisance or otherwise violate the terms of the rental agreement

1. Your property owner must issue written warning first (Notice to Cease)
 - Inform you of that you can request reasonable accommodations
 - Provide contact information for MV Rental Housing Helpline
 - Include sufficient details to allow you the chance to address the issue
 - Include any information necessary to determine date, time, place, and other circumstances concerning the reason of the notice



Habitability:
What can we
do?

What You Can Do...

1.

- Document and Communicate the Issue

2.

- Request an Inspection

3.

- Consider Mediation

4.

- File a Petition to Decrease Rent

5.

- Repair Issue and Deduct the Costs

6.

- Utilize your Right to Vacate

7.

- Speak with a Lawyer

Document and Communicate

1. Remember to communicate calmly and clearly
 - Be mindful of tone in any communication
2. Write a letter or email documenting your issue
 - Attach photos and/or videos
3. If you talk to your landlord about the issue, follow-up with a written summary
4. If your landlord does not respond, consider requesting an inspection by the City
5. Document everything chronologically
 - Use dates and times



Making Repairs: **Lawful Entry**

Lawful Entry (CC 1954)

- Only for necessary or agreed repairs or services or allowed inspections

24 Hour Written Notice

- State time and date and purpose of entry
- Not applicable in cases of emergency (fire, flooding)
- Entry during normal business hours

Tenant need not be present

- Tenant has right to be present but cannot deny lawful entry
- Failure to give access, after Notice to Cease is issued and tenant continues to deny access, is Just Cause for Eviction

Request an Inspection







Consider Mediation: MV Mediation Program



- Free!
- Mediated discussion
- Confidential outcome
- 95% success rate

File a Petition to Decrease Rent

-  1 Tenant can file petition for failure to maintain habitable premises or reduction in services or maintenance
-  2 Tenant can request settlement conference to discuss reduction of rent from time period landlord knew about the problem, until problem is corrected
-  3 In Formal Hearing parties can present evidence to Hearing Officer, who then issues a decision either granting or denying request rent reduction, or deny AGA rent increases until rental unit is in compliance
-  4 Either party may appeal Decision to Rental Housing Committee, and may challenge Appeal Decision in Superior Court

Repair Issue and Deduct the Costs



1. Defect must be serious and directly related to your health and safety
2. You must not be responsible for causing deficiency
3. You must give landlord reasonable amount of time to repair
4. You must provide landlord with notice, preferably in writing, of deficiency and of the intent to repair and deduct
5. You may not use repair and deduct remedy more than twice in a 12 month period

Utilize your Right to Vacate

Lease

Right to break lease

No liability for unpaid rent for remainder of tenancy

Month to Month

Right to end month to month tenancy

No obligation to provide 30 day notice

- Since each situation is different, please obtain legal advice
- Ultimately is decided in court

Speak with a Lawyer

Your documentation may be used as part of your defense against eviction in court...

Constructive Eviction?

- Unabated serious habitability problems are demonstrated to illegally force you out.

Non Compliance with CSFRA?

- Landlord did not comply with a Hearing Officer Decision

Retaliatory Eviction?

- Landlord files an eviction in response to your requests for correction of uninhabitable problems or an inspection.

Recap: Addressing **Habitability Problems**

1. Take reasonable care of your home and common areas
2. Document problems and inform landlord immediately
 - In writing; keep copies
 - Take photos and/or videos
3. Learn about your rights by contacting the MV Rental Housing Helpline
4. If your landlord is non-responsive, consider:
 - Requesting a housing inspection by the City
 - Using the mediation program to resolve problems
 - Filing a petition to reduce rent
5. Consider vacating the unit if inhabitality issues are not addressed
6. Speak with a lawyer

And...

Perform Thorough Walk-through Inspection

- At begin and end of tenancy
- Document condition of unit on checklist and make photos/video

Consider Renters Insurance in Lease

- Affordable: protects against personal property damage

Utilize Mediation

- To pro-actively resolve disputes in short notice
- Less adversarial in nature, improves relationships

Remember...

Talk with your neighbors,
talk with your property owner and...
talk with us

CSFRA Resources



CSFRA Website

Rent Stabilization Home

Tenants

Landlords

Forms & Notices

CSFRA Act, Regulations & Resolutions

Rental Housing Committee

Resources

INTEREST LIST

AFFORDABLE HOUSING MAP

BMR UNITS

PROJECTS COMING SOON

NEIGHBORHOOD MEETING

RENT STABILIZATION

[Home](#) » ... » [CD](#) » [Neighborhoods](#) » [Rent Stabilization](#)

[Share](#)

Is your unit fully covered by the CSFRA?

Built before 1995

3 or more units

Not a government or subsidized rental unit

To check if your multi-family rental property is covered by the CSFRA, click on this map.

CSFRA Coverage
Click here to learn if your unit is covered.

The City of Mountain View implements the Community Stabilization and Fair Rent Act (CSFRA), a voter approved measure (Measure V, 2016), to stabilize the community by reducing rental housing turnover in certain rental units. Program staff work with tenants and landlords to achieve the three main goals of the CSFRA:


1. Stabilize rents
2. Provide eviction protections
3. Ensure a fair rate of return on investment for landlords

CSFRA Brochures

What is the Community Stabilization and Fair Rent Program?

The City of Mountain View implements the Community Stabilization and Fair Rent Act (CSFRA), a voter approved measure (Measure V, 2016), to stabilize the community by reducing rental housing turnover in certain rental units.

What units are covered?



Most multi-family rental properties built before December 23, 2016 are either fully or partially covered by the CSFRA.

Fully Covered	Partially Covered
<ul style="list-style-type: none"> Built before 1995 3 or more units Not a government or subsidized rental unit 	<ul style="list-style-type: none"> Built between 1995 and 2017 3 or more units Not a government or subsidized or subsidized rental unit

To check if your multi-family rental property is covered by the CSFRA, use the map tool provided by the City of Mountain View at mountainview.gov/rentstabilization

Mountain View Housing Helpline

Phone: (650) 282-2514

Email: csfra@housing.org


Address: 500 Castro Street, Mountain View, CA 94041

Walk-in Office Hours


Thursdays
12:00 p.m. to 2:00 p.m.
City Hall, 14 Floor
Public Works Front Conference Room

CSFRA Workshops

1st and 3rd Fridays
1:00 p.m. to 3:00 p.m.
City Hall, 2nd Floor
Plaza Conference Room

 CITY OF MOUNTAIN VIEW

Community Stabilization and Fair Rent Act Program



City of Mountain View
mountainview.gov/rentstabilization

What are the goals of the CSFRA?

- Stabilize Rents
- Provide Eviction Protections
- Ensure a Fair Rate of Return

Stabilize Rents

- Landlords may raise the rents of **fully covered** units **once every 12 months**
- State law requires landlords to provide written notice of a rent increase
- Tenants may file a petition for 4 reasons:
 - Payment of rent in excess of lawful rent
 - Violation of health and safety or building codes
 - Reduction in services or maintenance
 - Undue tenant hardship
- Before filing a petition, tenants should **carefully review** instructions located on the website and in the petition form

Provide Eviction Protections

- Both **fully** and **partially covered** units have eviction protections
- A tenancy can only be terminated for 9 specific reasons
- Termination Notices must state the reason a tenant is being evicted
- Landlords must:
 - Give a "Notice to Cease" before issuing certain terminations
 - File a copy of Termination Notices with the Rental Housing Committee
 - Offer relocation payments and a First Right of Return for eligible tenants for certain terminations

Ensure a Fair Rate of Return

- Rents can be raised on **fully covered** units:
 - Once every 12 months
 - By a CPI percentage announced annually by the RHC
- Landlords may file a petition for upward adjustment of rent for 1 reason:
 - Ensure a fair and reasonable rate of return
- The petition process ensures a fair rate of return by maintaining **net operating income** for a property from year to year
- Before filing a petition, Landlords should **carefully review** instructions located on the website and in the petition form

Mountain View Rental Housing Helpline

Contact Information

Phone: (650) 282-2514

Email: csfra@housing.org

Mountainview.gov/rentstabilization

Walk-in Office Hours

Thursdays

12:00 p.m. to 2:00 p.m.

City Hall, 1st Floor

Public Works Front Conference
Room

(habla español)



Clinics for Landlords and Tenants

Clinics

1st and 3rd Friday of Each Month

1:00 p.m. to 3:00 p.m.

298 Escuela Ave.

Mountain View



2019 Workshops

Community Stabilization and Fair Rent Act (CSFRA) Program

– 2019 Workshops –

Feb. 21 The Landlord - tenant Connection: Tips 4 Talking	Mar. 18 Maintaining Habitability (Landlord Focused)	April 18 Maintaining Habitability (Tenant Focused)
May 16 Landlord Rights (Federal, State, Local)	June 20 Tenant Rights (Federal, State, Local)	July 18 CSFRA Basics and Updates: 2019 AGA
Aug. 15 Evictions 101 (Landlord Focused)	Sept. 12 Evictions 101 (Tenant Focused)	Oct. 24 Security Deposits 101
Nov. 14 Addressing Challenging Tenants (Landlord Focused)	Dec. 12 Addressing Challenging Living Situations (Tenant Focused)	

FOR RENT

Mountain View City Hall | 500 Castro Street
Plaza Conference Room | 2nd Floor
6:30 p.m.

CSFRA Program
P.O. Box 7540
Mountain View, CA 94039-7540

Mountain View Rental Housing Helpline
☎ (650) 955-5314 #rentalhousing.org
📍 500 Castro Street, Mountain View, CA

– 2019 Workshops –

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Legal Resources

Santa Clara County Bar Association Lawyer Referral Service	(408) 971-6822 www.sccba.com
Law Foundation Silicon Valley (Volunteer Eviction Assistance Collaborative)	(408) 280-2424 https://www.lawfoundation.org/
Community Legal Service EPA	(650) 391-0354 http://www.clsepa.org/
Bay Area Legal Aid	(408) 850-7066 https://baylegal.org/get-help/
Asian Law Alliance:	(408) 287-9710 http://asianlawalliance.org/
California Dept. of Consumer Affairs Landlord-Tenant Handbook:	http://www.dca.ca.gov/publications/landlordbook/index.shtml
Superior Court Self-Help Center	(408) 882-2926 http://www.scscourt.org/self_help/civil/ud/ud_resources.shtml

Questions?

Comments or
suggestions on
CSFRA Workshops?
Take a moment to fill
out the survey!

